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Baker Botts L.L.P.  
2001 Ross Avenue  
Dallas, TX 75201-2980

EXAMINER

MEHRA, INDER P

ART UNIT PAPER NUMBER

2666

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/724,714	Applicant(s) CAREW ET AL.	
	Examiner Inder P Mehra	Art Unit 2666	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 58-114 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-114 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/20/04 &amp; others</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is in response to an amendment B dated 12/20/04, which has been fully considered and made of record. Based on this amendment C dated 12/20/04, claims 1-57 have been cancelled, and claims 58-114 were added previously. Claims 58, 72, 89, 100 and 111 have been amended. Claims 58-114 are now pending.
2. Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), and the fee set forth in 37 CFR 1.17(r) has been timely paid, the finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a). Applicant's first submission after final filed on 12/20/04 has been entered.

### ***Information Disclosure Statement***

3. IDS Forms PTO-1449 dated 1/3/01, 5/16/01, 8/27/01, 11/2/01, and 7/3/02 with each page duly signed are enclosed. Forms PTO-1449 dated 1/3/01, and 8/27/01 included some pages not duly signed and one document "Gudapati, et al., "Local Telephone Service for Cable Subscribers Using Packet Switched Access," 1 Iss. world Telecommunications conoress. on. 3as-azg" was not croossed out at that time to indicate that it was not considered at that time. However, Forms PTO-1449 dated 1/3/01, and 8/27/01 were sent again with all documents duly signed with Office Action dated: 4/2/04. Please confirm.

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

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improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969). A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b). Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 58, 72, 89, 100 and 111 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 5, 7, 9, 10, 13, 15, and 18 of U.S. Patent No. 6,526,046. Although the conflicting claims are not identical, they are not patentably distinct from each other because.

For claims 58, 72, 89, 100 and 111, claims 1, 4, 5, 7, 9, 10, 13, 15 and 18 of U.S. Patent No. 6,526,046 disclose:

“A gateway for communicating telecommunication information between a telecommunication network and customer premises equipment, the gateway comprising (see claim 1 of U.S. Patent No. 6,526,046):

- a telecommunication interface operable to receive first telecommunication information for a first subscriber and second telecommunication information for a

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second subscriber; (see claim 1 of U.S. Patent No. 6,526,046), ( see claim 1 of U.S. Patent No. 6,526,046); and

- a packetization module operable to generate first ATM cells (first data packets) for communicating the first telecommunication information using a first ATM adaptation layer (first communication protocol) associated with the first subscriber and to generate second ATM cells (data packets) for communicating the second telecommunication information using a second ATM adaptation layer (second data communication protocol) associated with the second subscriber; (see claim 1 of U.S. Patent No. 6,526,046).

For claim 111, claims 15 and 18 of U.S. Patent No. 6,526,046 disclose:

- wherein the gateway is further operable to communicate the ATM cells to the customer premises equipment using DSL, cable, wireless, or other broadband distribution platforms(see claims 15 and 18 of U.S. Patent No. 6,526,046).

Applicant's claims 58, 72, 89, 100 and 111 merely broaden the scope of US Patent No. 6,526,046 claims 1, 4, 5, 7, 9, 10, 13, 15 and 18 by replacing the terms "ATM cells", "a first ATM adaptation layer (AAL)" (for claims 1, 4, 5, 7, 9, 10, 13, 15 and 18) with "data packets"; "a first data communication protocol" respectively for claims 58, 72, 89, 100 and 111. The ATM cells and data packets; and "a first data communication protocol" and "a first ATM adaptation layer (AAL)" are the same application elements. It has been held that the substitution of an element and its function is an obvious expedient if the remaining elements perform the same function as before. In re karlsen, 136 USPTO 184 (CCPA). Also, note Ex Parte Raine, 168

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USPQ 375 (bd. App. 1969) ; substitution of a reference element whose function is needed would be obvious to one skilled in the art.

Applicant's claim 111 recites additional elements Digital Subscriber Line Access Multiplexer (DSLAM) and Cable Modem Termination System (CMTS). These are well known in the art , and disclosed by Lor et al (US Patent No. 6,201,562), refer to fig. 6, col. 6 lines 52-62 (see paragraph 11 below);

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 58-65, 67, 72-79, 81, 89-95, 99-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Focsaneanu et al** (US Patent No. 5,610,910), hereinafter, Focsaneanu; and further in view of **Chao et al** (US Patent No. 5,050,164), hereinafter Chao.

For claims 58,72, 89 and 100, Focsaneanu discloses a gateway (access module 208, refer to col. 4 lines 64-65) for communicating telecommunication information, refer to 208 of fig. 7, refer to col. 4 lines 40-67; comprising:

step of extracting information content from user/subscriber profile/file to determine required services---between CPE and the communication network; determining appropriate routing; (*telecommunication interface for a first subscriber and second telecommunication*

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*information for a second subscriber from a telecommunication network*), refer to col. 4 lines 40 –col. 5 line 12.

*(one or more packetization* (extracting information content from user profile, refer to col. 5 line 4, determining the protocol, routing and address refer to col. 5 lines 6-8 and 1-12) *modules operable to generate first data packets for communicating the first telecommunication information according to a first data communication protocol associated with the first subscriber and to generate second data packets for communicating the second telecommunication information according to a second data communication protocol associated with the second subscriber), refer to col. 6 line 53-col. 7 line 50;*

Focsaneanu discloses a memory operable to store subscriber profiles---telecommunication interface, as recited by claim 89, (an access module (gateway), further, includes a storage (memory) for storing information concerning user profile (subscriber profile), refer to col. 5, lines 2-6; database (memory), refer to col. 8 lines 14-16;

Focsaneanu discloses a telecommunication interface -----subscriber, as recited by claim 89; refer to col. 10 line 46-col. 11 line 6.

Focsaneanu discloses packetized data traffic and packetized voice, refer to col. 11 lines 1-15, ( a packetization module -----information associated with a subscriber (user profile, col. 11 line 2) from the data packets using a data communication protocol (ATM and Frame Relay, col. 11 line 6)-----subscriber, as recited by claim 89);

Focsaneanu does not disclose expressly, using terms: “a first data communication protocol or second data communication protocol, first subscriber, second subscriber, first telecommunication information, second telecommunication information etc.”;

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Chao discloses, a unique protocol capable of handling services with multiple priorities (unique protocol is unique to each subscriber's profile as stored /desired by subscriber", refer to col. 17 lines 5-7;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the protocol unique to the subscriber as prescribed in subscriber's profile, as taught by Chao. The use of unique protocol in broadband network is advantageous to CPE. The suggestion/motivation to do so would have been to provide desired characteristics for customer premises network which uses broadband to deliver all services.

For claims 59, 61, 73, 75, 90, 92, 101 and 103, Focsaneanu discloses each of a plurality subscribers is associated with a separate telecommunication interface, refer to col. 4 lines 45-48; and "the telecommunication interface module is further operable-----the first telecommunication", refer to col. 4 lines 45-48, col. 8 lines 11-25.

For claims 60, 74, 91 and 102, Focsaneanu discloses the telecommunication interface---- analog line----switch, POTs, refer to col. 7 lines 29-32 and fig. 7, TR 303 col. 10 line 51.

For claims 62, 76, 93 and 104, Focsaneanu discloses, "the subscriber identifier is a name address, or telephone number, refer to col. 8 lines 16-22, 30, col. 13 lines 62-67.



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For claims 63, 77, 94 and 105, Focsaneanu discloses, “one or more compression modules operable-----subscriber”, refer to (compression techniques, col. 7 line 3, 552 col. 11, lines 20-22, col. 12 line 60.

For claims 64 and 78, Focsaneanu discloses all the features of claim 6 including compression techniques at gateway, refer to col. 7 line 3 ; and memory operable to store first subscriber profile----compression algorithm----, as recited by claims 7 and 21, database for packet assembly and disassembly, refer to col. 8 lines 22-24 and col. 7 lines 3 and col. 11 lines 15-21.

For claims 65 and 79, Focsaneanu discloses all the features of claim 6 including: “management module (246 of fig. 8) operable to select, for the first subscriber, a compression module supporting the first compression algorithm, col. 7 line 3, 552 col. 11, lines 20-22, col. 12 line 60; and a packetization module supporting the first data communication protocol, refer to col. 8 lines 11-43.

For claims 67, 81 and 99, Focsaneanu discloses all the features of claims 58, 72 and 89, including: “one or more network interface modules operable to communicate the first data packets----using first data link-----second data link-----second subscriber, refer to col. 4 lines 40—col. 5 line 12 and col. 45-65.

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For claims 95 and 106, Focsaneanu discloses all the features of claims 89 and 100 including a network interface module operable to communicate the data packets using data link associated with the subscriber, refer to col. 8 lines 53-55, (access a plurality of different types of CPEs), col. 7 lines 12, col. 7 lines 26-35.

8. Claims 66, 69-70, 80, 83-84, 96-97 and 107-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Focsaneanu et al**, hereinafter, Focsaneanu; in view of **Chao et al**, hereinafter Chao, as applied to claims 1 above; further in view of **Pounds et al** (US Patent No. 6,560,222), hereinafter, Pounds.

For claims 66, 69-70, 80, 83-84, 96-97 and 107-110 both Focsaneanu and Chao disclose all the features and limitations of claims 66, 69-70, 80, 83-84, 96-97 and 107-110 with the exception of, “a management module operable to assign at least *one time slot of a time division multiplexing (TDM) bus* to communicate the first telecommunication information----“, as recited by claims 97, 108-110; “*echo cancellation modules ---on the first telecommunication interface*“, as recited by claims 69, 83, 96 and 107 and “*TDM bus----telecommunication information---and a data packet bus ---first data packets to packetization module---*“, as recited by claims 70 and 84;

Pounds discloses “a management module operable to assign at least *one time slot of a time division multiplexing (TDM) bus* to communicate the first telecommunication information----“, refer to col. 8 lines 60-63; “*echo cancellation modules ---on the first telecommunication interface*, refer to col.8 lines 2; and “*a data packet bus ---first data packets to packetization module--- and TDM bus----telecommunication information---*“, refer to col. 9 lines 50-53; .

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Pounds does not disclose expressly whether echo cancellation be used in the second telecommunication information, as recited by claims 69 and 83.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to assign at least *one time slot of a time division multiplexing (TDM) bus and echo cancellation* to communicate the first telecommunication information. The capability of using time slots of a time division bus is provided by combining it in access module 234 of fig. 8. The suggestion/motivation to do so would have been to provide desired characteristics of voice data signals for customer premises network which uses broadband to deliver all services and also to save bandwidth.

9. Claims 68, 82, 86 and 111-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Focsaneanu et al** (US Patent No. 5,610,910), hereinafter, Focsaneanu; and further in view of **Chao et al** (US Patent No. 5,050,164), hereinafter Chao, further in view of **Lor** (US Patent No. 6,201,562).

For claims 68, 82, 86 and 111-112, Focsaneanu discloses a gateway (access module 208, refer to col. 4 lines 64-65) and method for of interfacing CPEs' and communicating telecommunication information, refer to 208 of fig. 7, refer to col. 4 lines 40-67; comprising:

- *telecommunication interface----- for a first subscriber and second telecommunication information for a second subscriber from a telecommunication network* (step of extracting information content from user/subscriber profile/file to determine required services---between CPE and

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the communication network; determining appropriate routing;), refer to 208 of fig. 7, refer to col. 4 lines 40-67; comprising:

- ***one or more packetization*** (extracting information content from user profile, refer to col. 5 line 4, determining the protocol, routing and address refer to col. 5 lines 6-8 and 1-12) ***modules operable to generate first data packets for communicating the first telecommunication information according to a first data communication protocol associated with the first subscriber and to generate second data packets for communicating the second telecommunication information according to a second data communication protocol associated with the second subscriber***), refer to col. 6 line 53-col. 7 line 50;
- one or more network interface modules operable to communicate the first data packets----using first data link-----second data link-----second subscriber, refer to col. 4 lines 40—col. 5 line 12 and col. 45-65;

Focsaneanu does not disclose expressly, terms: “a first data communication protocol or second data communication protocol, first subscriber, second subscriber, first telecommunication information, second telecommunication information etc.”, as recited by claims 68, 82, and 86;

Focsaneanu does not disclose expressly, using terms: “wherein the first data link communicates the first data packets to a digital subscriber line access multiplexer (DSLAM); and the second data link communicates the second data packets to a cable modem termination system (CMTS) or a base station controller (BSC), as recited by claims 68, 82, 86, and 112;

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Chao discloses, a unique protocol capable of handling services with multiple priorities (unique protocol is unique to each subscriber's profile as stored /desired by subscriber", refer to col. 17 lines 5-7;

Lor discloses, "wherein the first data link communicates the first data packets to a digital subscriber line access multiplexer (DSLAM); and the second data link communicates the second data packets to a cable modem termination system (CMTS) or a base station controller (BSC), as recited by claims 68, 82, 86, and 112", refer to fig. 6, col. 6 lines 52-62;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the protocol unique to the subscriber as prescribed in subscriber's profile, as taught by Chao, and DSLAM and CMTS . These capabilities can be implemented by using the systems used by Chao and Lor at CPE. The suggestion/motivation to do so would have been to provide desired characteristics for customer premises network which uses broadband to deliver all services at high bandwidth.

10. Claims 71, 85, 98 and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Focsaneanu et al**, hereinafter, Focsaneanu; in view of **Chao et al**, hereinafter Chao, as applied to claims 71, 85, 98 and 109 above; further in view of **Lyles et al** (US Patent no. 6,563,829), hereinafter, Lyles.

For claims 71, 85, 98 and 109, both Focsaneanu and Chao disclose all the features and limitations of claims 71, 85, 98 and 109 and, with the exception of the limitation, "**IEEE 802.6 bus operable to communicate the first data packets----**";

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Lyles discloses, ***“IEEE 802.6 bus operable to communicate the first data packets---”***;refer to col. 5 lines 9-11---for point to point link between user and terminal equipment sites;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use ***“IEEE 802.6 bus operable to communicate the first data packets---”***;refer to col. 5 lines 9-11---for point to point link between user and terminal equipment sites;. The capability of using ***IEEE 802.6 bus*** is provided by combining it in access module 234 of fig. 8. The suggestion/motivation to do so would have been to provide desired characteristics of voice data signals for customer premises network, as set forth in user profile, which uses broadband to deliver all services and also to save bandwidth.

11. Claims 87-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu in view of Chao, and Lor, as applied to claims 68, 82, 86 and 111, further in view of **Health Jr. et al** (US Patent No. 6,678,253), hereinafter Health.

For claims 87 and 88, Focsaneanu discloses a gateway (access module 208, refer to col. 4 lines 64-65) and method for of interfacing CPEs' and communicating telecommunication information, refer to 208 of fig. 7, refer to col. 4 lines 40-67; comprising:

- ***telecommunication interface----- for a first subscriber and second telecommunication information for a second subscriber from a telecommunication network*** (step of extracting information content from user/subscriber profile/file to determine required services---between CPE and the communication network; determining appropriate routing;), refer to 208 of fig. 7, refer to col. 4 lines 40-67; comprising:

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- ***one or more packetization*** (extracting information content from user profile, refer to col. 5 line 4, determining the protocol, routing and address refer to col. 5 lines 6-8 and 1-12) ***modules operable to generate first data packets for communicating the first telecommunication information according to a first data communication protocol associated with the first subscriber and to generate second data packets for communicating the second telecommunication information according to a second data communication protocol associated with the second subscriber***), refer to col. 6 line 53-col. 7 line 50;
- one or more network interface modules operable to communicate the first data packets----using first data link-----second data link-----second subscriber, refer to col. 4 lines 40—col. 5 line 12 and col. 45-65;

Focsaneanu does not disclose expressly, terms: “a first data communication protocol or second data communication protocol, first subscriber, second subscriber, first telecommunication information, second telecommunication information etc.”,

Focsaneanu does not disclose expressly, using terms: “wherein the first data link communicates the first data packets to a digital subscriber line access multiplexer (DSLAM); and the second data link communicates the second data packets to a cable modem termination system (CMTS) or a base station controller (BSC),

Chao discloses, a unique protocol capable of handling services with multiple priorities (unique protocol is unique to each subscriber’s profile as stored /desired by subscriber”, refer to col. 17 lines 5-7;

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Lor discloses, “wherein the first data link communicates the first data packets to a digital subscriber line access multiplexer (DSLAM); and the second data link communicates the second data packets to a cable modem termination system (CMTS) or a base station controller (BSC)”, refer to col. 6 lines 52-65;

Focsaneanu, Chao and Lor do not disclose Base station controller (BSC), as recited by claims 87 and 88;

Health discloses, “communicating the second data packets to a base station controller (BSC) using second data communication protocol”, refer to col. 7 lines 5-6;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the protocol unique to the subscriber as prescribed in subscriber’s profile, as taught by Chao, DSLAM and CMTS and BSC as taught by Health. These capabilities can be implemented by using the systems used by Chao, Lor and Health at CPE. The suggestion/motivation to do so would have been to provide desired characteristics for customer premises network which uses broadband to deliver all services at high bandwidth.

12. Claims 113 and 114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu in view of Chao and **Lor**, as applied to claim 111 above, further in view of **Health Jr. et al** (US Patent No. 6,678,253), hereinafter, Health.

For claims 113-114, Focsaneanu and Chao disclose all the limitations of subject matter with the exception of the following limitations:

\* “wherein the gateway generates data packets for communication to the



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digital subscriber line access multiplexer (DSLAM); or a base station controller (BSC), as recited by claim 114”;

\* “a base station controller (BSC) operable to communicate at least some of the data packets generated by the gateway to a wireless network interface unit (WNIU) using a wireless link”, as recited by claim 113.

Lor discloses, “wherein the gateway generates data packets for communication to the digital subscriber line access multiplexer (DSLAM); or a base station controller (BSC), as recited by claims 68, 82, 86 and 112, ”, refer to col. 6 lines 52-65;

Health discloses, “a base station controller (BSC) operable to communicate at least some of the data packets generated by the gateway to a wireless network interface unit (WNIU) using a wireless link”, refer to col. 7 lines 5-6;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to generate packets for communication to the DSLAM and BSC, as taught by Lor and Health. These capabilities can be implemented by using the systems used by Focsaneanu, Chao, Lor and Health at CPE. The suggestion/motivation to do so would have been to provide desired characteristics for customer premises network which uses broadband to deliver all services at high bandwidth.

### ***Response to Arguments***

13. Applicant's arguments filed 7/2/04 have been fully considered but they are not persuasive.

a. Applicant argues that examiner's cited references do not disclose, teach, or

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suggest "one or more packetization modules to generate first data packets for communicating--".

In response, it is stated that Focsaneanu '910 discloses "At present, however, different types of networks, both channelized and packetized, exist separately and independently", refer to col. 2 lines 40-42.

b. Applicant argues that examiner's cited references do not disclose, teach, or suggest "generate first data packets for communicating the first telecommunication information according to a first data communication protocol associated with the first subscriber and to generate second data packets for communicating the second telecommunication information according to a second data communication protocol associated with the second subscriber".

In response, it is stated that Focsaneanu '910 discloses "a plurality of different types of CPEs can access a plurality of different types of services provided by service providers which may utilize different types of transport networks, (e.g. PSTN 212 and data switched networks 214), refer to fig. 7. The data switched networks may include, among other networks, a packet switched network, an ATM network using protocols such as TCP/IP, X.25, ATM, etc.", refer to col. 7 lines 10-18;

Applicant argues, "In Applicants' previous Response filed July 2, 2004, Applicants cited the same portion of Focsaneanu and pointed out that Focsaneanu describes packetizing voice for communication across the data network 214-not for communication from the PSTN 212 to the customer premises 202, 204 or 206. See Fig. 7. In particular, Focsaneanu states, &tl-l-lhe access module (208) can packetize voice at PAD 550 and route voice traffk on a data network." (Col. 1 1, 11. 12-14) (emphasis added).

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In response, it is stated that FIG. 5 shows diagrammatically how telephone sets and computers are connected through a PSTN in the known ISDN environment, which is packetized environment. An ISDN terminal 120 is connected by way of a network termination 122 to ISDN linecard 124 through a digital subscriber loop (DSL) 126. **Not only that, CPE is in the middle of communication path, refer to fig. 7**

Further, it is stated that Focsaneanu '910 discloses "The transmission format can also be **adapted at the access module** (gateway) (e.g. rate adaptation, **protocol** adaptation, etc.) **to better match the terminals, transport, or service capability available, refer to col. 7 lines 5-10.**

Further, it is stated that Focsaneanu '910 discloses "analyzes the contents of a data connection request to identify the service requested. Upon identification of the type of service requested, the controller performs address conversion, **protocol conversion**, rerouting etc. and **exchanges packetized data formed at PAD 254, refer to col. 8 lines 15-25.**

c. In response to the Examiner's assertion that the claims do not include the limitation communication from PSTN to the customer" (Office Action at p. 15). Applicant has responded, "To the contrary, Claim 58, as originally filed, provided that the gateway includes a telecommunication interface module operable to receive first telecommunication information for a first subscriber and second telecommunication information for a second subscriber from a telecommunication network." (emphasis added). Moreover, to clarify the limitation, Applicants amended Claim 58 to further specify that the gateway includes one or more packetization modules operable to generate first data packets for communicating the first telecommunication information to first customer premises equipment according to a first data communication

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protocol associated with the first subscriber and to generate second data packets for communicating the second telecommunication information to second customer premises equipment according to a second data communication protocol associated with the second subscriber." (emphasis added).

In response, it is stated again that these limitations , as reiterated by applicant, as above do not recite or suggest "PSTN" network. Instead, the claim recites ant telecommunication network using packetization module, which could be ISDN network including PSTN, refer to fig. 5 and col. 6 lines 3-25.

d. Applicant argues that Focsaneanu '910 does not describes voice for communication from the customer premises to a data network-*not for communication from the PSTN to the customer premises, refer to page 19 of remarks/arguments by applicant* .

In response , it is stated that fig. 7 illustrates telephone (POTS) carrying voice communicates in packetized envoirments of ISDN including PSTN 212.

e. Applicant argues that Focsaneanu '910 does not disclose a gateway that uses a data communication protocols *associated with the subscriber* to generate the data packets --- telecommunication from the PSTN.

Applicant, further, argues, "

In response, it is stated that the limitation "communication from PSTN to the customer" was not claimed in these claims. However, responses by examiner are provided as follows:

Focsaneanu '910 discloses "The transmission format can also be adapted at the access module (gateway) (e.g. rate adaptation, protocol adaptation, etc.) to better match the terminals, transport, or service capability available, refer to col. 7 lines 5-10.

In response, it is stated that Focsaneanu '910 discloses "According to one aspect, the invention provides bi-directional emulation of the modem at the access, refer to col. 6 lines 65-67. Refer to fig. 4 wherein communication takes place between PSTN and subscribers. PSTN operates in channelized mode and provides continuous connection to another subscriber 22. The telephone service is established through a connection protocol, refer to col. 1 lines 45-47.

Further, it is stated that Focsaneanu '910 discloses "It is called collectively a service provider but in reality there are many service providers including PSTN providers, data switched network providers, data network access service providers, database service providers, wireless access providers, CATV service providers etc. CPEs are able to seamlessly access various services provided by the service provider through local access and cooperating modules called CPE connector", refer to col. 7 lines 20-30.

f. Applicant argues and pointed out that Focsaneanu describes packetizing voice for communication across the data network 214-not for communication from the PSTN 212 to the customer premises 202, 204 or 206. See Fig. 7. In particular, Focsaneanu states, the access module (208) can packetize voice at PAD 550 and route voice traffic on a data network." (col. 1

1 . 11. 1 7-1 41 (emphasis added).

In response, it is stated that the invention relates particularly to a multi-service platform which allows a plurality of CPEs accessing any services provided by a plurality of service

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*providers which may utilize any of the plurality of telecommunication networks, refer to col.*

*1 lines 10-15. As responded in previous "Final" response.*

Further, please, refer to paragraph (b) above, wherein it was responded in "FINAL" office action that the limitation "communication from PSTN to the customer" was not recited in these claims. However, responses by examiner are provided as follows:

Focsaneanu '910 discloses "The transmission format can also be adapted at the access module (gateway) (e.g. rate adaptation, protocol adaptation, etc.) to better match the terminals, transport, or service capability available, refer to col. 7 lines 5-10.

*In light of above explanation, arguments by applicant are not persuasive.*

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Inder Pal Mehra*  
Inder P Mehra  
Examiner  
Art Unit 2666  
2/5/05

*DM*  
DANIEL  
PRIMARY EXAMINER